

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 15, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Community Redevelopment Agency

Neal Kalis, Chair, updated Council on the Agency's efforts.

3.2 Upcoming Special Events - Sharon Pierce-Kent

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: girls spring softball and youth baseball registration (through January); adults and seniors annual holiday party (December 17th); and winter holiday camp program (registration).

Mayor Venis announced that item 7.9 needed to be tabled to January 5, 2000.

Vice-Mayor Bush made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that items 10.10 and 10.11 needed to be tabled to January 19, 2000.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 10.12 had been withdrawn by staff.

Mayor Venis asked that a resolution which realigned Reese Road be added to the Consent Agenda as item 7.30. Robert Rawls, Assistant Town Administrator, advised that the agreement for the contractor would be presented at the January 5, 2000 meeting. He thanked the many individuals who were involved in making this project possible.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to add item 7.30. In a voice vote, all voted in favor. (Motion carried 5-0)

**7.30 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-99-380 MAYOR TO EXECUTE AN AGREEMENT BETWEEN R-ONE, INC. AND THE
TOWN OF DAVIE AS PART OF THE IMPLEMENTATION OF THE
RELOCATION OF REESE ROAD; PROVIDING FOR TRANSFERS OF
PROPERTY; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve item 7.30. In a voice vote, all voted in favor. (Motion carried 5-0)

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4. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

HAPPY HOLIDAYS. Mayor Venis wished everyone a happy holiday season. He noted that this was the last meeting of the century and he was looking forward to some big events in the new year.

HAPPY BIRTHDAY. Mayor Venis wished his daughter a happy birthday and advised that he would be taking her for her driving test on Saturday.

OLD DAVIE SCHOOL. Mayor Venis recognized Central Station, Davie Glass and Dean Alexander who contributed towards the repairs at the Old Davie School.

TOY RUN. Mayor Venis noted his and Councilmember Paul's participation in the Toy Run.

METROPOLITAN PLANNING ORGANIZATION BOARD. Mayor Venis indicated that he had attended the first meeting as a member of the Board. He noted that the Town now had direct input on all the Town's important road issues.

HOMEOWNERS' ASSOCIATION MEETINGS. Mayor Venis announced that he had attended the Waterford Patio Homes and the Falcon Lea's homeowners' association meetings. He requested that Mr. Rawls contact the various association presidents to discuss engineering concerns.

VICE-MAYOR BUSH

HABITAT HOMES. Vice-Mayor Bush noted that the 13th home had been built in the Town and welcomed the Serrano and Scruggs.

HAPPY HOLIDAYS. Vice-Mayor Bush wished everyone a happy and safe holiday.

COUNCILMEMBER COX

JINGLE BELL PARADE. Councilmember Cox noted that she had participated in the South Florida Trailriders' Jingle Bell Parade.

THANKS. Councilmember Cox thanked staff for their efforts on the Lighting of the Green. She also thanked the Woman's Club for establishing a butterfly garden at Robbins Lodge earlier this month.

HAPPY HOLIDAYS. Councilmember Cox wished everyone a Merry Christmas and a Happy New Year. She was looking forward to next year's events.

COUNCILMEMBER WEINER

HAPPY HOLIDAYS. Councilmember Weiner wished everyone a Merry Christmas, Happy Kwanzaa, Happy Dewali and a prosperous New Year.

CONGRATULATIONS. Councilmember Weiner congratulated his wife, Wendy, on graduating with her Doctorate Degree.

WASTE MANAGEMENT. Councilmember Weiner reported that staff was working with Waste Management on expanding the large trash receptacle program.

TELEPHONE FRANCHISE. Councilmember Weiner expressed his desire to move quickly and felt that if there was no resolution, then other alternatives may have to be reviewed.

ORDINANCE. Councilmember Weiner advised that he had drafted an ordinance requiring children under the age of 16 to wear helmets when they rode horses and requested that this be placed on a Council agenda. He felt this was a safety matter and children should be safe when riding.

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CABLE. Councilmember Weiner noted that he had received several complaints regarding Comcast's service being out and noted that he had not received the same complaints regarding BellSouth. He referenced a conversation with a BellSouth Vice President in which he was advised of the possibility of high speed internet access. Councilmember Weiner expressed his desire to see Comcast be responsive. He advised that the Comcast agreement called for other programming services to be provided as they became feasible. He requested a meeting with Comcast and Mr. Middaugh in order to provide Comcast an incentive to try and deploy these services.

METROCOM. Councilmember Weiner provided Mr. Middaugh with information from Metrocom and the placement of their equipment and explained that Metrocom provided medium speed internet access. He suggested that staff review the information and possibly obtain a franchise fee to provide internet access with relatively little cost to the Town.

LEGAL FEES. Councilmember Weiner commented that the legal fees for the Sunrise water surcharge litigation were approximately \$42,000 through September 1999. He expressed his curiosity as to the total amount of legal fees and noted that he felt the monies were well spent; however, it was his belief that the monies should be tracked.

LEGAL BILLS. Councilmember Weiner advised that he had reviewed the legal bills from Mr. Webber's office and noted that there was no back up documentation for the monthly retainer. He commented that he was sure that Mr. Webber was doing a "bang up" job; however, if someone wanted to review the bills, this could not be shown without backup. Councilmember Weiner stated that from September 1998 to September 1999, the Town had been billed approximately \$170,000 and felt that this needed to be tracked since the fees were in excess of the retainer. He commented that the fees needed to be periodically reviewed to ensure that they were in line with all the different types of matters. Councilmember Weiner indicated that Mr. Webber's office was handling a lot of different matters and suggested the possibility of increasing the retainer to a higher rate to include more which might result in a net savings. He indicated that once he received the remaining bills, he would be meeting with Mr. Webber to see if the Town could make some savings.

COUNCILMEMBER PAUL

LIGHTING OF THE GREEN. Councilmember Paul complimented staff on the Lighting of the Green.

TOY RUN. Councilmember Paul thanked the Wings of Gold and Bob and Dave Amchir for their efforts on the Toy Run.

INDIAN RIDGE SCHOOL CROSSING GUARD. Councilmember Paul asked for a report on the request for a crossing guard which Mr. Middaugh indicated that he would provide.

WELCOME. Councilmember Paul also welcomed the Scruggs and Serrano families to the Town.

SIGN. Councilmember Paul requested a new sign for the Oak Hill Equestrian Park.

PUBLIC WORKS. Councilmember Paul thanked the Public Works Department for its efforts regarding the drainage project in Oak Hill. She indicated that some of the streets had already been completed.

TRAILS. Councilmember Paul noted that new trails were being proposed on SW 136 Avenue from SW 26 Street to Imagination Farms and on SW 142 Avenue from SW 26 Street to Orange Drive. She felt it was imperative to ensure that ample room was provided for the equestrian and bike traffic.

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DRAINAGE DITCH. Councilmember Paul advised of discussions regarding filling in part of the drainage ditch in order to complete the trail on SW 26 Street which she did not think would be wise particularly after Hurricane Irene. She requested funding to ensure that the proper drainage pipes and catch basins were in place with the trail being on top of the pipes rather than filling in the ditch.

CONDOLENCES. Councilmember Paul expressed condolences to the family of Broward County Commissioner Lori Parrish on the death of her granddaughter. She also expressed condolences to the families of the firefighters who lost their lives in Massachusetts.

THANKS. Councilmember Paul thanked the Police and Fire Departments for their efforts in protecting the residents of the community.

NEXT AGENDA. Councilmember Paul requested that the following items be placed on the next agenda: results of the Agrarian Committee meetings with Development Services, super majority vote for land use changes, and the possibility of amending the resolution that created the Davie Water Advisory Board.

HAPPY HOLIDAYS. Councilmember Paul wished everyone a Merry Christmas, Happy Kwanzaa and a safe New Year. She distributed information on the Kwanzaa holiday.

NEW YEAR'S FIRE AND POLICE SERVICE. Councilmember Paul requested a report on the Police and Fire Department's contingency plans for New Year's Eve. Police Chief John George advised that there was one commercial venture being held at the Signature Grand and he expected overflow traffic from Fort Lauderdale's celebration. Additional personnel would be assigned to shifts throughout the weekend and Monday morning for any potential business problems. He warned everyone not to take all their money out of the bank, but rather to plan as one would for a hurricane.

Mr. Middaugh added that the Broward Emergency Operations Center would be opened to monitor the "rolling" effect of the millennium.

Fire Chief Michael Donati indicated that on Friday afternoon, additional personnel would be added to shifts and two additional rescue units and one fire engine would be put into service. On Saturday, the need for additional resources would be reviewed.

5. TOWN ADMINISTRATOR'S COMMENTS

POTTER PARK. Mr. Middaugh referenced discussions at the past two Council meetings regarding the eastside park in which the Town was accused of racial comments and inequalities in the area. As a result, a number of measures had been taken to address the allegations and he indicated that he had met with representatives from the NAACP to discuss the various concerns to identify the Town's intent and plans for the future. At the suggestion of Councilmember Cox, a meeting was held with a small group of representatives from the Potter Park area. Mr. Middaugh stated that at the meeting, Councilmember Cox had advised that she had intended no disrespect or offense and offered her apology. The residents accepted and acknowledged her apology and Mr. Middaugh thanked Councilmember Cox for requesting the meeting. He advised of another meeting that Vice-Mayor Bush had attended with a larger group of residents from the Potter Park area to address a number of issues that were proposed during the Council meeting.

Mr. Middaugh stated that staff had acknowledged to the community that previous comments were probably insensitive to the affected area and expressed his belief that the comments were not intended to be racially motivated. He felt that future actions would be the best judge of the Town's sincerity, intent, and willingness to move forward.

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Mr. Middaugh advised that he believed that residents were satisfied with the purchase of the park. He requested Council's assistance with regard to his pledge to undertake two proposals to ensure that park renovations were fair and that there was community participation. Mr. Middaugh expressed his belief that the issues could be discussed with the residents without any other issues affecting the discussion.

6. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch, Orendello, SW 142 Avenue, 175/185 funds, Coastal Carting, Sunrise, LDG, Rowar's, Cummings, and Laurel Oaks North/MVP Property.

ATTORNEY FEES. Mr. Webber thanked Councilmember Weiner on his comments on attorney fees and felt it was appropriate to review the method in which the Town Attorney's Office was paid. He advised that the current fees were established in 1985 and remained at the same rate.

COMMENTS. Mr. Webber discussed comments made by Ms. Christopher at the last meeting in which she made a number of charges, misstatements, and misinformation. The comments included payments made to the Town Attorney's Office for plan and Code amendments which had not been amended; his fees; and billing for researching the Federal Fair Housing Act.

Mr. Webber stated that the Town's Finance Department monitored all legal expenditures and it was his belief that the Town had a very good system of checks and balances for review of services. He added that his office embarked on work only at the request of the Town.

Mr. Webber advised that it was the job of the Town Attorney to meet with staff when requested and he would continue to perform the legal services being requested. He encouraged Ms. Christopher to make the appropriate inquiries prior to making allegations to determine if there was any basis for her statements.

Councilmember Weiner noted a pending motion to file a lawsuit against the Pension Board to compel its compliance with State and federal law if not completed by the first of the year. It was his belief that there was approximately \$1.1 million being withheld and questioned whether there would be an update from Mr. Klausner on how the Board felt this matter should be settled. Mr. Webber responded that Mr. Klausner was aware of the deadline and of Council's actions. He indicated that he would remind Mr. Klausner of Councilmember Weiner's request.

Councilmember Weiner provided information from the Department of Housing and Urban Development (HUD) on various building and model codes. He suggested that the City of Tampa's Code be reviewed to see on how it addressed the Federal Fair Housing Act. Mr. Webber indicated that he would provide the information to the Town's professional staff.

Mayor Venis questioned if the Pension Board would be having a special meeting to address this issue. Vice-Mayor Bush responded negatively and advised that there were two new appointments to the Board. He stated that the first meeting in January would be held on January 11th.

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Mr. Middaugh noted that the Board had met on December 14th and had again postponed the request to address the earnings assumption rate which was a key point. As of January 1st, the Board would be reconstituted due to the two employee members being replaced by an election. Mr. Middaugh added that the fifth member could potentially change, depending on the appointments made by Council.

7. CONSENT AGENDA

Minutes

- 7.1 August 18, 1999 - Regular Meeting (tabled from November 17, 1999)
- 7.2 September 1, 1999 - Regular Meeting (tabled from November 17, 1999)
- 7.3 September 15, 1999 - Regular Meeting (tabled from November 17, 1999)
- 7.4 October 6, 1999 - Regular Meeting
- 7.5 October 20, 1999 - Regular Meeting

Home Occupational Licenses

- 7.6 CPR Works, Inc., 1720 SW 116 Avenue
- 7.7 S & L Enterprises of Dade, Inc., 10370 SW 40 Street
- 7.8 Tracy Siravo, 14300 Arlington Place

Resolutions

- 7.9 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PRO-TELE SYSTEMS, INC. TO PROVIDE COIN OPERATED TELEPHONES IN LOCATIONS DESIGNATED BY THE TOWN. (Town to receive a 20% commission on net revenues/per phone) (tabled from December 1, 1999)
- R-99-364 7.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE UTILITY MONITORING AGREEMENT WITH AMERICAN UTILITY BILL AUDITORS, INC.
- R-99-365 7.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CASH MANAGEMENT SERVICES AGREEMENT WITH SUNTRUST BANK, SOUTH FLORIDA, N.A. AND TO AUTHORIZE THE TRANSFER OF FUNDS FROM NATIONSBANK OF FLORIDA, N.A., DESIGNATING SUNTRUST BANK AS THE RECIPIENT.
- R-99-366 7.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CREDIT CARD SERVICES AGREEMENT WITH SUNTRUST BANK, SOUTH FLORIDA, N.A.

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- 7.13
R-99-367 **ISSUANCE OF BONDS** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000 FOR THE PURPOSE OF PROVIDING FOR RECREATIONAL PROJECTS, PROVIDING FOR IMPROVEMENTS TO EXISTING PARKS, ACQUISITION AND EXPANSION OF RECREATIONAL PARKS AND SPORTS FACILITIES, INCLUDING ATHLETIC FIELDS, PLAYGROUNDS, RECREATIONAL AND COMMUNITY CENTERS AND A MULTI-PURPOSE FACILITY TO ACCOMMODATE ALL AGES INCLUDING CHILDREN, ADULTS AND SENIORS, AUTHORIZED AT AN ELECTION HELD ON NOVEMBER 3, 1998; AWARDED THE SALE OF THE BONDS TO FIRST UNION NATIONAL BANK; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
- 7.14
R-99-368 **ISSUANCE OF BONDS** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF PUBLIC IMPROVEMENT REVENUE BONDS OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,000,000 FOR THE PURPOSE OF FINANCING OR REIMBURSING THE COST OF ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS OF THE TOWN, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDED THE SALE OF THE BONDS TO FIRST UNION NATIONAL BANK; PROVIDING FOR SECURITY FOR THE BONDS; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.
- 7.15
R-99-369 **SENIOR CITIZEN ADVISORY COMMITTEE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING A SENIOR CITIZEN ADVISORY COMMITTEE; PROVIDING FOR COMPOSITION AND DUTIES OF THE COMMITTEE; PROVIDING FOR THE TERM OF THE COMMITTEE; PROVIDING FOR TERMS OF OFFICE; AND PROVIDING AN EFFECTIVE DATE.
- 7.16
R-99-370 **MEDICAL INSURANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING CIGNA HEALTHCARE TO PROVIDE GROUP MEDICAL INSURANCE AND AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO EXECUTE THE APPLICATION FOR INSURANCE.
- 7.17
R-99-371 **EMPLOYEE ASSISTANCE PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING CIGNA BEHAVIORAL CARE TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM AND AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO EXECUTE THE APPLICATION FOR THE EMPLOYEE ASSISTANCE PROGRAM.
- 7.18
R-99-372 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF FOUR SPECIAL SERVICE VEHICLES FROM DUVAL FORD AND VEHICLE EMERGENCY LIGHTING AND EQUIPMENT FROM LAW ENFORCEMENT SUPPLY COMPANY, INC., TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (\$108,985.64)

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- 7.19
R-99-373 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF TWO REPLACEMENT DIGITAL COMPUTER VOICE STRESS ANALYZERS AND PROVIDE FOR ADDITIONAL TRAINING OF TWO DETECTIVES TO USE THESE UNITS. (National Institute of Truth Verification; \$12,730)**
- 7.20
R-99-374 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR PRINTING, TRANSFER TO FILM, AND MAILING SERVICES FOR THE TOWN NEWSLETTER. (printing and transfer - Gannett Offset Florida; mailing services - Able Data Corporation; \$48,000)**
- 7.21
R-99-375 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID TO UPGRADE THREE (3) "M" SERIES ZOLL EKG MONITOR/DEFIBRILLATOR/PACERS FROM ZOLL MEDICAL CORPORATION AS A SOLE SOURCE SUPPLIER. (\$23,000)**
- 7.22
R-99-376 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARD FOR VARIOUS IBM COMPUTER EQUIPMENT, SERVICES, HIGH-AVAILABILITY SOFTWARE, AND DOMINO/LOTUS ENTERPRISE SOLUTION, FROM THE STATE OF FLORIDA, CONTRACT 250-050-97-1. (not to exceed \$700,000)**
- 7.23
R-99-377 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE MIAMI-DADE COUNTY PUBLIC SCHOOLS BID AND AUTHORIZING THE PURCHASE OF PHOTOGRAPHIC IDENTIFICATION SYSTEM FROM PLASCO, INC., TO BE PURCHASED THROUGH GRANT FUNDING. (Photographic Identification System; \$12,668.45)**
- 7.24
R-99-378 **BIDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR AUTOMOBILES AND TRUCKS.**
- 7.25
R-99-379 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY, THE CENTRAL BROWARD WATER CONTROL DISTRICT, THE CITY OF COOPER CITY AND THE TOWN OF DAVIE FOR DRAINAGE AND WATER CONTROL STUDIES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Site Plans

- 7.26 *SP 9-5-99, Designed Traffic Installation, Co., 4601 SW 30 Street (M-4) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*
- 7.27 *SP 10-4-99, Davie Nissan-Volvo, 3650 Weston Road (BP) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through eight*

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- 7.28 SP 11-3-99, Davie Campus - Country Address II & Davie Plat, 5850 Pine Island Road (CF) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report with the deletion of item six*
- 7.29 SP 11-8-99, Pine Island Park Multipurpose Facility, 3800 SW 92 Place (AG) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Councilmember Cox asked that item 7.28 be removed from the Consent Agenda. Councilmember Weiner asked that items 7.1 to 7.5 and 7.22 be removed.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 7.1, 7.2, 7.3, 7.4, 7.5, 7.22 and 7.28. In a voice vote, all voted in favor. (Motion carried 5-0)

7.1 to 7.5 Councilmember Weiner reiterated his previous comments for verbatim minutes. He felt that there were inaccuracies in the minutes from October 6th and October 20th and had provided copies of his notes to Town Clerk's Office. Councilmember Weiner indicated that he would vote against the minutes until this matter was resolved.

Councilmember Paul questioned whether the revised minutes did not adequately reflect what was said at the meeting. Councilmember Weiner responded negatively and felt that verbatim minutes removed any subjectivity.

Mayor Venis commented that the October 6th and October 20th meetings were more comprehensive and questioned whether there were any specific examples. Councilmember Weiner explained that he did not want to cite specific examples; however, the comments at the August 18th and September 1st meetings regarding guardrails along SW 70 Avenue were not inclusive of all comments. The dialogue between the Town Attorney and a resident regarding the Federal Fair Housing Act was also incomplete.

Mayor Venis questioned whether adding another staff person to transcribe Council minutes would be beneficial and added that this person could also assist in Administration. He indicated that he generated a lot of paperwork and more people were needed in Administration. Town Clerk Reinfeld replied that there was a large cost difference in hiring an additional person as opposed to off-site transcription. Vice-Mayor Bush indicated that he felt the hiring new staff would be a question of priority. He was of the belief that direction was given at the goal setting session and that staff had complied with those basic wishes.

Councilmember Cox felt that Councilmember Weiner had a problem with staff's objectivity, which he had indicated on many occasions. She indicated that having a staff person transcribe the minutes would exacerbate the problem. Councilmember Cox stated that if it was Council's desire to have verbatim minutes, the minutes transcription should be put out for bid.

Mayor Venis stated that if a staff member transcribed the minutes, it could be verbatim and reiterated the need for more secretarial support. Councilmember Cox expressed her belief that a court reporter could also do verbatim minutes and added that she was not opposed to hiring additional secretarial support. Mr. Middaugh indicated that there would not be a lack of work and he would look at the cost of a staff position. Councilmember Paul questioned the funding source for an additional staff person.

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Councilmember Weiner made a motion to put the minutes out to bid for the pending minutes including items 7.1 through 7.5. Town Clerk Reinfeld advised that bids had previously been obtained. Councilmember Weiner withdrew his motion.

Mayor Venis indicated that he had not had a chance to review the minutes for October 6th and October 20th and asked that they be tabled.

Councilmember Weiner made a motion to table items 7. 1, 7.2, 7.3, 7.4, and 7.5 until the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Bush made a motion, seconded by Councilmember Paul, to table items 7.4 and 7.5 until the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Weiner made a motion to table items 7.1 to 7.3. The motion died due to the lack of a second.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve. In a voice vote, with Councilmember Weiner dissenting, all voted in favor. (Motion carried 4-1)

7.22 Councilmember Weiner questioned whether this resolution would upgrade the computers. Director of Budget and Finance Christopher Wallace indicated that the intent was to address the mainframe needs. He noted that the operating environment needed to be changed which was the intent after the new Police Department had been built. Previously, staff had time for system maintenance in off hours; however, since the Police Department was now on-line, there was a certain amount of duplication in order to provide a system that was always available.

Councilmember Weiner noted that many of the databases accessed by the Police Department were more PC-based rather than MAC-based and he questioned whether this would provide better access. Mr. Wallace advised that he was not aware of any request to access information not already provided. Most of the applications used a browser to interface with sites such as the Property Appraiser's Office and advised that a few months ago, Council had approved software for the Parks and Recreation Department. He indicated that staff spent a lot of time backing up, archiving data and keeping the information off site.

Councilmember Weiner questioned whether this would provide more flexibility to for the Police and Fire Departments to work with future software. Mr. Wallace responded in the affirmative and commented that he believed there would be considerably more safety and security. He noted that there were several issues that needed to be addressed and explained that it had not been his intent to purchase this item so soon in the fiscal year; however, staff was made aware of tremendous sales and discounts which expired at the end of this month.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis questioned how often the tracking devices were checked for accuracy. Mr. Wallace responded that the devices were checked from time-to-time when a department

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suspected that they were being used for an inappropriate purpose. He indicated that the user in the vehicle did not see the device and the computer logged where the vehicle was every 10 minutes.

Mayor Venis commented that when he had viewed the system, there were questions as to the location of an individual. Mr. Wallace indicated that not all the cars had the device and when the device was moved, the device's identification number was associated with the car's identification number. He felt the software might not have reflected the change in the situation in which the Mayor referred to. Mr. Wallace indicated that there was one situation in which all of the cars were located on US 1; however, all the building inspectors had been attending a meeting.

7.28 Councilmember Cox explained the difference between the recommendation from the Site Plan Committee and staff. She felt that prior to approving the site plan on the Consent Agenda, Council's intent should be clarified. Councilmember Weiner concurred with Councilmember Cox.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve pursuant to the Site Plan Committee's recommendation which included the deletion of item 6. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Middaugh explained that in the future, staff would try to be more clear as to the recommendation that was presented. Councilmember Weiner suggested that if there were two different recommendations, the item not be placed on the Consent Agenda.

8. SITE PLAN MODIFICATIONS

- 8.1 SP 11-9-99, Davie Battery & Alternator, 6325 SW 37 Street (B-2) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one and two, with modifications being made as follows: Item one, that the sidewalk on the east side of the property adjacent to SW 63 Avenue be constructed to the drive aisle opening and that the petitioner work with Engineering on the specifications of the sidewalk regarding the width and thickness. Item two, that the petitioner revisit with Engineering the issue of the two-and-a-half foot clear area around the dumpster as the Committee felt that with the gates and restricting access to that area, it would be adequate, however, it needed to be determined by Engineering

Ken Kovacs, representing the petitioner, was present. Mark Kutney, Development Services Director, summarized the planning report.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 8.2 SP 11-10-99, Nations Rent, 6850 State Road 84 (M-4, County) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approved subject to staff's recommendation number three noting that the petitioner needed to work with Engineering for approval of the reconfiguration of the lot and to address the issue of extending the landscape islands; that the overall height of the trees at the front of the building be 20 to 25 feet, and that the oaks could be switched with palms

Jerry McDonald, representing the petitioner, was present. Mr. Kutney summarized the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve subject to the recommendations of the Site Plan Committee. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held January 5, 2000)

- 9.1(a) **SIDEWALK EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING INTEREST IN CERTAIN PROPERTY FOR USE AS A NON-EXCLUSIVE SIDEWALK EASEMENT AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on January 5, 2000.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- (b) **UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING AN EASEMENT FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING INTEREST IN CERTAIN PROPERTY FOR USE AS A UTILITY EASEMENT AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on January 5, 2000.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- (c) **WARRANTY DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A WARRANTY DEED FROM CYNTHIA MARIE LAWSON, AN UNMARRIED WOMAN, CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on January 5, 2000.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Cox commented that this easement would complete the bicycle path from Orange Drive to Robbins Lodge and thanked those who were involved with this project.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Ordinance - First Reading (Second Public Hearing to be held January 5, 2000)

- 10.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32.300 THROUGH 12-32.399 TO CREATE THE GRIFFIN CORRIDOR DISTRICT; PROVIDING FOR DISTRICT BOUNDARIES, DISTRICT INTENT, MASTER PLANS, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES, ARCHITECTURE, DEVELOPMENT STANDARDS, AND, INCENTIVES AND WAIVERS; AMENDING ARTICLE XIII, SECTION 12-386 TO REMOVE THAT PORTION OF THE WESTERN THEME OVERLAY DISTRICT LYING SOUTH OF THE C-11 CANAL FROM THE WESTERN THEME OVERLAY DISTRICT BOUNDARY DESCRIPTION; AMENDING SECTION 12-503 TO PROVIDE DEFINITIONS; AMENDING THE ZONING MAP OF THE TOWN OF DAVIE BY REZONING LAND FROM A-1, R-5, RM-10, RM-16, MH-10, B-1, B-2, B-2 WESTERN THEME OVERLAY DISTRICT, B-3, C-1, U, AND CF, TO GRIFFIN CORRIDOR DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that a public hearing would be held on January 5, 2000. Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Tom Truex, 4740 SW 42 Avenue, indicated that there were several positive aspects of the ordinance which would help the Town and reasonable compromises had been made; however, he felt there were some serious flaws with the plan. He indicated that Exhibit A referred to the intent to bring buildings to the roadways to ensure proper proportioning to enclose the corridor and provide a sense of place. Mr. Truex commented that the corridor could not be enclosed because the South New River Canal was on the north side. He indicated that the large trees had been removed and the water officials would not permit any

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large tree to be planted. Mr. Truex felt it was double talk to put tall buildings close to the road with minimal front landscape buffers. He indicated that permitting tall buildings was the single worst part of the ordinance.

Mr. Truex stated that Section 12-32.309 required a minimum of 30 feet, or two-floors, downtown or on certain side streets along the Griffin Road corridor and permitted 60-foot tall buildings downtown or in certain nodes as defined in the ordinance. Elsewhere, 45-foot tall buildings were permitted along Griffin Road and it was his opinion that 45 or 60 feet was too tall for a building height in places that this was not required. He expressed concern with regard to the setbacks for the rear, front, and side which were not adequate in some places.

Mr. Truex expressed his disapproval on some of the restricted uses such as restaurants with bars, hotels and motels permitted along most of the corridor near residential neighborhoods. Parking was addressed in Section 12-32.314(b) with all the parking being to the rear of the buildings. He did not object to a "9 to 5 business" meeting that requirement; however, with other uses such as bars, hotels, and motels, it would not be beneficial to have the parking activity adjacent to a residential community. Mr. Truex stated that Section 12-32.315 related to building mass and referred to the downtown regulations as having virtually zero-lot lines for four to five story buildings and alleyways between the buildings.

Mr. Truex further expressed concern with regard to Section 12-32.320 relating to Master Planning Incentives and Waivers as Council could waive the requirements of the district without any public notification or input. He felt every area of the Town should fear this ordinance because if the congestion was permitted on the corridor, this type of development would be permitted throughout the Town. Mr. Truex commented that some of the problems should be addressed prior to the ordinance being enacted.

Mayor Venis closed the public hearing.

Mr. Kutney commented that master plan efforts would be dealt with similar to those of a site plan. Staff had no problem with Mr. Truex's suggestion to place a notice and conduct a public hearing with regard to the master plan process.

Councilmember Cox questioned whether the ordinance called for a 5-story building with a 10-foot pitch to the roof. She asked whether the architectural requirements were to be met and how many stories the building would contain. Councilmember Cox also questioned the location of the 60-foot buildings. Jeff Katims, Planning and Zoning Manager, explained that with a 5-story building, there would not be much of a pitch and felt the architectural requirements would support four stories. He explained that the 60-foot buildings would be permitted in the Western Theme area at the intersection of the Turnpike and Griffin Road, at the intersection of University Drive and Griffin Road, and at the intersection of State Road 7 and Griffin Road.

Councilmember Paul indicated that pool halls were permitted as long as they were part of a restaurant; therefore, it would be an accessory use to an eating establishment. However, she expressed concern with regard to game rooms and arcades and noted her objection to these uses being located in a freestanding building. Councilmember Paul felt that the fast food use was too intensive and expressed her desire to move away from fast food restaurants along the corridor, although she did not object to a standard restaurant. Mr. Katims indicated that if Council desired, the uses could be restricted to an accessory type use.

Councilmember Cox observed that a fast food restaurant must be in the node and must conform to the architectural requirements. She commented that many fast food restaurants would not adhere to these requirements and would move to a different location.

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Councilmember Cox added that as long as fast food restaurants were confined to the intersection nodes and conformed to the architectural requirements, she did not feel it would be as onerous as the "normal" fast food restaurant.

Councilmember Paul explained that she had no problem with fast food restaurants in the Griffin Commerce zone; however, she felt Davie Road already had a substantial number of fast food restaurants. Mr. Katims advised that Davie Road was not considered a node; therefore, fast food restaurants would not be permitted at Davie Road and Griffin Road.

Councilmember Paul questioned whether the same height limitations would be permitted at the intersection of Griffin Road and Davie Road and expressed concern with regard to how height equated to an entranceway. She felt the Western Theme District was intended to leave the rural atmosphere of the community and was now becoming urban with a different connotation. Mr. Katims advised that the height was permitted due to being located downtown and the intent for this area was to be an entryway to the remainder of downtown.

Councilmember Cox commented that rural and Western Theme districts were not necessarily the same and expressed her belief that the intent was to create a flavor or ambiance that was distinctive from the rest of South Florida. She commented that the downtown area did not necessarily have to be rural as she felt that this was not the intent for the downtown area. Councilmember Paul responded that she had taken the time to review other areas, and most of the buildings that she had seen had been either one or two stories. She felt this provided the same feeling since they were near the road and there was landscaping to provide the "enclosed" feeling. Councilmember Paul expressed her belief with regard to the intensity and felt that the worst case scenario should be addressed even if the ordinance was temporary and would prevent vested rights. She agreed with the idea and the intent.

Councilmember Paul expressed concern with regard to extending the urban area on University Drive to SW 78 Avenue and suggested leaving Eckerd's as it was. She referenced previous discussions to consider some sort of entranceway into the communities with signage and green space. Councilmember Paul commented that the setbacks and landscaping requirement should satisfy some of the residents; however, they may not be completely protected with regard to loading areas. She questioned whether the loading area could be restricted to certain hours. Mr. Kutney felt that these issues would be reviewed on an individual basis as part of the master plan process. If there were any concerns between adjacent uses, a restriction could be placed on the use at the time of the master plan approval. He felt that this would provide the flexibility to place restrictions that would not be afforded under traditional zoning.

Councilmember Paul felt that the residents were forced to be constantly vigilant. She suggested that some items could provide assurances to the residents, even when the makeup of the Council changed.

Councilmember Paul questioned whether there were only certain parcels that would be able to meet the setback requirement. Mr. Katims explained that the ordinance would restrict the height of the building on some properties. He indicated that some parcels were shallow and it would be prohibitive to permit a three-story building. Councilmember Paul questioned when a variance would be approved by Council if an owner applied for a variance in accordance with Section 12-32.320. Mr. Katims advised that Council would

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approve the master plan and possibly the site plan for a new development. At that time, staff's report would identify the areas in which the Code was not met. Council would then have the option to make the modification which would be equivalent to a variance.

Councilmember Weiner questioned whether the variance request would come directly from staff to Council and questioned the height of a 60-foot hotel building depending upon the design of the building. He inquired as to whether there was a possibility that there would be one or two hotel applications for the downtown area. Councilmember Weiner expressed his opinion that he would prefer to not see hotel/motels or bed and breakfasts in the corridor. Mr. Katims explained that the Site Plan Committee would review the matter. He felt that a 60-foot hotel would probably be four stories and concurred that there could possibly be one or two hotel applications for the downtown area.

Councilmember Cox disagreed with Councilmember Weiner and expressed her belief that the Town needed hotel/motels and felt that the Town was lacking these types of facilities. She stated that a hotel/motel on the corner of Griffin Road and the Turnpike would be an appropriate use.

Councilmember Weiner expressed his concern with regard to issues relating to a truck stop and approval of a hotel at the truck stop. He acknowledged that there would be some incentive for pedestrian traffic; however, he expressed his concern with the potential number of hotels within the master plan district.

Mr. Katims indicated that the bed and breakfast use could be changed to a special permit use since the issue had not been addressed by Council. Councilmember Weiner concurred. Councilmember Paul felt that the downtown area would be a better area for a bed and breakfast rather than a motel and appreciated the fact that the bed and breakfast was taken out of the node. Councilmember Weiner indicated that he did not disagree; however, he would like to address the issues all at once.

Councilmember Cox commented that the intent was to protect the residents and she felt that the ordinance accomplished the intent. It was her belief that a bed and breakfast next to a residential area had a certain amount of appeal rather than some of the other onerous uses. Councilmember Cox acknowledged that a bed and breakfast in a rural area or a residential area should be addressed differently.

Councilmember Weiner suggested it might be more appropriate to place a special permit restriction on a hotel use in order to control the hotels on the Griffin Road corridor. Councilmember Paul questioned whether a permit would be able to control the number of hotels on the corridor. Councilmember Weiner responded that approval would be on an individual basis and the application would be qualified along with the site as to whether a hotel would be able to be supported on the property. Mr. Kutney advised that he would not like to see a false sense of security and indicated that the special permit process was a form of permitted use. He cautioned against taking away Council's flexibility by narrowing the ordinance to a special permit.

Councilmember Paul questioned the time element for the design manual and how it would relate to implementing the ordinance. Mr. Katims explained that if Council approved the proposed ordinance, a design manual could be presented by the second meeting in January.

Councilmember Paul made a motion to approve subject to the following conditions: deleting the game room/arcade in all areas unless it was an accessory of another building, to reduce the University node to 78th instead of 76th. Councilmember Weiner asked if

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Councilmember Paul would accept an amendment to reduce the size in the downtown area from 60 feet to 45 feet with Councilmember Paul responding in the affirmative. Councilmember Weiner second the motion with the amendment.

Mr. Middaugh questioned the intent of reducing the University node by almost two-thirds. Councilmember Paul responded that the intent for the balance was to be in the west gateway corridor. Mr. Katims commented that if the size of the node was restricted, the area would be subject to the standards for the west gateway corridor.

In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - no; Councilmember Cox - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion denied 2-3)

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve item and deleting the game room use and using it as an accessory only. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion denied 2-3)

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve with the same restrictions as the aforementioned motion, however, to include the height restriction in the downtown area from 60 feet to 48 feet. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mr. Katims questioned whether Council would like to address the architectural themes separately or whether it was approved as part of the ordinance. Mayor Venis commented that this issue was approved as part of the ordinance.

Ordinances - Second and Final Reading

10.2 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
99-43 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE**
TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF,
COMMUNITY FACILITIES DISTRICT, OF THE TOWN OF DAVIE CODE;
AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH,
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE. (ZB 9-1-99, Sheridan Hills Baptist Church, 2400 & 2420 Pine Island
Road) (tabled from November 17, 1999)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 10.3 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
99-44 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO BP, BUSINESS PARK DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-1-99, Leigh Robinson Kerr & Associates/Ryan, 3450 SW 36 Street) (tabled from December 1, 1999)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
99-45 **FLORIDA, AMENDING SECTION 4-67 OF ARTICLE IV OF THE TOWN CODE, ENTITLED "OWNER'S DUTY WHEN DOG BITES A HUMAN OR IS BITTEN BY ANOTHER ANIMAL"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.5 **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE**
99-46 **TOWN OF DAVIE, FLORIDA AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REPEALING THE TRAFFIC CIRCULATION ELEMENT AND ADOPTING A TRANSPORTATION ELEMENT IN ITS PLACE AS REQUIRED BY FLORIDA LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul questioned whether there was a policy change on page 76 in terms of not proceeding with extending SW 26 Street to Flamingo Road. Mr. Katims indicated that all the changes made by Council were reflected in this document, however, staff was requesting one amendment on Objection 5, Exhibit B. Policy 10.1.8 would be added along with a date of December 2001, to initiate and/or continue to implement strategies to facilitate local traffic in cooperation with the Florida Department of Transportation and

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appropriate municipalities, and to use alternatives to the Florida interstate highway system as a means of protecting its interregional and interstate functions by implementing the following strategies.

Councilmember Weiner questioned whether Councilmember Paul was referring to different references to support and oppose the extension of SW 26 Street. The support was from SW 148 to Flamingo Road; however, the opposition was from I-75 to SW 148 Street. Councilmember Paul concurred.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve with the revisions read into the record by Mr. Katims. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Resolution

10.6 **METHOD OF COLLECTION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-99-381 **FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING
NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE
INCORPORATED AREA OF THE TOWN; STATING A NEED FOR SUCH
LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND
PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Hearings

10.7 ZB 10-2-99, Calvary Chapel, 1775 Flamingo Road (from CF to CF to amend restrictions) (tabled from November 17, 1999) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended denial*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Katims advised that his qualifications were on file in the Town Clerks Office and summarized the planning report.

Councilmember Cox questioned the reason for the Planning and Zoning Board's recommendation for denial. Mr. Katims indicated that it was the Board's belief that the application was approved with deed restrictions which were committed to for a specific reason. He explained that there was a representation made to the individuals who attended the meeting that "this was how it was going to be" and the Board felt very strongly that the applicant should not come back within one year without having started construction or to change the deed restrictions that had been committed to. Mr. Katims noted that the Board felt that the public was being left out of the process. He explained that the public was noticed; however, no one came to the meeting.

Councilmember Cox questioned whether the reason the building was being increased was to accommodate a second story without increasing the number of students to be allowed. Mr. Katims concurred.

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Mayor Venis noted that staff would have approved the application if these plans were submitted initially and commented that deed restrictions were sometimes put in place without the entire plan being implemented. It was his recollection that there was no one present in opposition to the church and questioned whether there were any calls to staff. Mr. Katims concurred and noted that the Planning and Zoning Division had not received any calls.

Town Clerk Reinfeld advised that 52 notices had been mailed and 5 notices were returned for incorrect addresses. Councilmember Weiner questioned where the information was on the staff report regarding the number of notices being returned. Mr. Katims indicated that the applications were not being included since that information was presented in the staff report.

Gus Aguirre, representing the petitioner, explained that the purpose of the application was to correct an error that was made when the church signed the original deed restrictions.

Pastor Morris provided an overview of the commitments for the buildings and presented copies of the deed restriction which Mr. Webber accepted into evidence. Pastor Morris stated that at the Planning and Zoning Board meeting, he was notified that the church had to agree to a voluntary deed restriction. Subsequently, the church did not have an opportunity to prepare or plan for the restrictions that were agreed to. Pastor Morris advised that at the meeting, he provided his best estimation as to the building height; however, since that time, the plans had been detailed. He indicated that the deed restriction being requested to be revised was the development of the property being limited to a maximum of 44,000 square feet and the limitation of no more than two buildings. Pastor Morris provided an overview of the floor plans for each building and noted that the school was a secondary issue. He stated that the children needed to be accommodated in the children's church portion of the building.

Councilmember Cox questioned what percentage of the property would be under the footprint of the actual structure, not including the parking lot. Mr. Aguirre explained that the building square footage was less than one acre for Phase 1 and 2 which equated to approximately 10% of the property.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning.

Bernie Lacota, 12520 SW 20 Street, indicated that he did not object to the church or the school being built.

Ralph Lauretano, 14741 SW 69 Street, was in favor of the application. He noted that this was his church and it would provide the citizens of Davie with a place of worship, education, and social establishment. Mr. Lauretano urged Council to pass the request and thanked Mr. Kutney for supporting the application. He could not see why there would be any objection to the additional square footage.

Frank Feeley, 2421 SW 27 Avenue, was in favor of the application. He indicated that in visiting the neighbors, they explained that they did not object to the church as long as there was no "thru-access" into the Summer Lake development.

Linder Berman was in favor of the application and advised that there were at least 50 other church members who would also like to speak in favor. She stated that she was speaking on behalf of those individuals who were in favor of the application.

Anita Gonzalez was in favor of the application and advised that she lived near the church which had been a blessing to her and her family. She noted the need for the church.

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Brian Gonzalez was in favor of the application. He noted that he attended the church for the past two years and acknowledged the impact it had made on his life.

Renee Corea, 13350 SW 6 Place, was in favor of the application. She apprised Council of a story in which the church would be a bigger home away from home.

Anthony Norvais, 14771 North Bexley Square, was in favor of the application and noted that he chose Davie as a place to reside with his family. He expressed his pleasure that he was able to attend a church close to his home with numerous other young families. Mr. Norvais felt this new facility would be a blessing to the community.

William Quinois, 1174 SW 118 Terrace, was in favor of the application. He stated that he recently moved to the area and had attended several churches. Mr. Quinois advised of the impact the ministry of the church had had on his family and felt that the community would benefit from the church.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Cox disclosed that Ms. Berman had spoken with her on the phone regarding this rezoning application.

10.8(a) ZB 11-1-99, Town of Davie Pine Island Park, 3800 SW 92 Avenue (from AG to RS) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the planning report.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

(b) V 11-1-99, Town of Davie Pine Island Park, 3800 SW 92 Avenue (AG) (to exceed the maximum 25 foot height limit permitted to allow for a 35 foot high structure) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the planning report.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

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Councilmember Paul made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.9 V 11-2-99, Courtesy Computers, Inc., 6700 Griffin Road (to reduce the minimum required west side setback from 20 feet to 8.10 feet, for a distance of 70 feet adjacent to the west building elevation; to reduce the required 10 foot landscape buffer along the west property line to 8.10 feet, for a distance of 70 feet adjacent to the west building elevation; to reduce the required 10 foot landscape buffer along the entire east property line to zero feet; and to reduce the required parking from 40 parking spaces to 33 parking spaces) *Planning and Zoning Division recommended approved subject to the planning report; Planning and Zoning Board recommended approved subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Katims summarized the planning report.

Tim Witcock, representing the petitioner, advised that the business had been located at the property for over ten years and noted the problems associated with flooding and the need for proper parking. He expressed concern with regard to approval for the ramp to allow larger trucks to access the property safely.

Councilmember Cox questioned whether the petitioner was agreeable to staff's requirement for the western access point to be adjoined to the adjacent property, if and when it became available. Mr. Witcock advised that he did not object; however, he expressed concern with regard to the property to the west being one-foot higher than the subject property. He felt by granting the easement, it would help alleviate traffic congestion and would be safer. Mr. Katims acknowledged the petitioner's concern. He explained that the intent was to allow the trucks to continue to access the drive and noted that it was the only way to maneuver to the loading area. Mr. Katims indicated that certain measures could be taken to provide an appearance that the entrance was closed to the public which would have to be worked out with the petitioner.

Councilmember Cox questioned why staff was requiring the eastern access point to be closed. Mr. Katims indicated that staff was requesting to close the western access drive. He clarified that the petitioner was requesting that the western access drive be suitable to allow a truck to access the loading area. Mr. Witcock explained that the trucks could not access the rear of the building due to an eight-foot side easement. He presented a letter summarizing the aforementioned discussion which Mr. Webber accepted into evidence.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Tom Truex, 4740 SW 72 Avenue, stated that the building was attractive and asked that Council approve the variance since it was minimal. He expressed concern with regard to the staff report referring to the Florida Department of Transportation (FDOT) taking and felt that the taking did not have anything to do with the property or the variances being requested. Mr. Truex referenced the four variances and Mr. Katims comments, noting that the first three variances were for side setbacks that were unrelated to the taking by FDOT. It was his understanding that the petitioner would have had more parking prior to the taking by

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FDOT. Mr. Truex felt this situation was different from some of the other unviable parcels that were presented to Council and stressed the importance of not permitting variances due to the FDOT taking.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Items to be tabled or withdrawn

10.10 STAFF REQUESTING A TABLING TO JANUARY 19, 2000

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND CF, COMMUNITY FACILITIES DISTRICT, TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-99, Alpha Baptist Church, Inc., 5230 Pine Island Road) (tabled from October 6, 1999)

This item was tabled earlier in the meeting.

10.11 PETITIONER REQUESTING A TABLING TO JANUARY 19, 2000

ZB 10-1-99, Building Education Corp./Culverthouse Investment Properties, Ltd., northwest corner of Orange Drive and Flamingo Road (from A-1 to CF)

This item was tabled earlier in the meeting.

10.12 WITHDRAWN BY STAFF ON DECEMBER 1, 1999

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32.300 THROUGH 12-32.399 TO CREATE THE GRIFFIN CORRIDOR DISTRICT WHICH PROVIDES FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES, AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn.

11. APPOINTMENTS

11.1 Budget Advisory Committee (one exclusive appointment - Vice-Mayor Bush and Councilmember Cox) (insofar as possible, members shall have experience in financial related occupations or similar skills; term of January to December 2000)

Vice-Mayor Bush appointed Terry Santini. Councilmember Cox deferred her appointment to the next meeting.

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11.2 Davie Water Advisory Board (two exclusive appointments - Vice-Mayor Bush; one exclusive appointment - Councilmember Paul) (insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 2000)

Vice-Mayor Bush appointed Don Zane and deferred his second appointment to the next meeting. Councilmember Paul appointed Gail Ling and noted that Ms. Ling had resigned from the Parks and Recreation Advisory Board.

11.3 Fire Employees' Pension Board (two non-exclusive appointments; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the board) (terms expire December 2000)

Councilmember Cox nominated Irv Heller to the Fire Employees' Pension Board.

Councilmember Paul made a motion, seconded by Councilmember Cox, to reappoint Irv Heller. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

11.4 Senior Citizen Advisory Committee (two exclusive appointments per Councilmember with one being for a one year term and one being for a two year term) (terms expire January)

Councilmember Cox and Vice-Mayor Bush deferred their appointments to the next meeting. Mayor Venis appointed Lil Olfern and Dean Alexander. Councilmember Weiner appointed Dorothy Tillinghast and deferred his second appointment to the next meeting. Councilmember Paul appointed Margarete Olson and deferred her second appointment to the next meeting.

12. NEW BUSINESS

12.1 Safety Summit 2000 (Councilmember Paul)

Councilmember Paul requested approval for the Child Safety Board to hold a brainstorming session for the Safety Summit 2000. This would provide an opportunity to hold the brainstorming prior to the Summit being held in the fall and this would provide the time to run the Summit earlier than last year. In a voice vote, all voted in favor.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:43 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk